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## BOOK REVIEWS

THE LAW OF WORKMEN'S COMPENSATION. RULES OF PROCEDURE, TABLES, FORMS, SYNOPSIS OF ACTS. By William R. Schneider, B. S., LL. B., of the St. Louis (Mo.) Bar. (St. Louis: Thomas Law Book Company, 1922, Two Volumes, pp. 2013.)

The author, in his preface, clearly recognizes the difficulty of his task to collate and state clearly the substantive rules of law, governing this rapidly growing branch of legislation, interpreted by various courts and commissions. It is a far cry from the doctrine of contributory negligence, modified by the humanitarian rule, announced in the celebrated donkey case (*Davies v. Mann*, 10 Mees. & W. 546), from the fellow-servant doctrine, first declared in this country in the case of *Murray v. Rd. Co.*, 1 McMull. (S. C.) 385, 398 (17th Am. Neg. Cas. 308) and from the doctrine of assumption of risk to the Workmen's Compensation Law. The terrible injustice of the common law system, embracing these three elements, which resulted in defeating between seventy and eighty per cent of claims, resulting from accidents in employer and employee, or master and servant cases, though some of its harsher rules had been whittled away by legislation both State and Federal, finally so aroused the public conscience as to lead to the adoption of the Workmen's Compensation Law by forty-seven States and Territories and by the United States, within the past eleven years (the first Federal Act of limited scope was passed in 1908). A fair parallel to the injustice of the common law system on this subject was the common law doctrine as to the rights of married women—so fiercely denounced by that great reformer, John Stuart Mill, in his essay "The Subjection of Women," Chapter II, written in 1861 and published in 1869.

This *volte-face* in public opinion in regard to the rights of workmen crippled by accidental injuries, has led to a flood of legislation in the various States and Territories which, while containing the basis for better economic relations, also embraces many crude and indefinite provisions, which have taxed the ingenuity of courts and commissions to construe. As might be expected, the first acts were strongly attacked as unconstitutional, but after New York, Montana and Kentucky declared their first statutes on this subject unconstitutional, the current of opinion, both State and Federal, has uniformly sustained the constitutionality of these acts. These three states have all upheld the constitutionality of their second acts. The author, in his two first chapters, discusses the history and the constitutionality of these acts, and gives copious citations from the leading decisions of the United States Supreme Court, discussing all the constitutional phases of these statutes and holding them valid.

The author frankly admits in his preface that his work, in places, has assumed the nature of a digest of the decisions, because it was impossible to reconcile the conflicting provisions of the various statutes and the various decisions construing them. The digesting has been done with great skill and with excellent judgment with the result that the practitioner can, in many cases, find his particular problem solved without referring to the original reports. The object of the author has been to write a practical law-book which would serve as a *vade mecum* to the busy lawyer, and he has not attempted to any great extent either to reconcile conflicting decisions or to generalize the rule based upon such decisions. It is clear that a discussion of the philosophy of this branch

of the law cannot profitably be undertaken by a text-writer, at this time, in view of the constant and tremendous changes in the statutes on the subject—twenty-seven States having amended their respective compensation acts in 1921, alone. In the appendix are printed the synopses of the various acts classified under the important heads, so that the acts can be rapidly compared and their similarities and dissimilarities readily distinguished. The effect of these synopses coupled with a thorough digesting of the various decisions under many similar provisions in the different statutes, will tend ultimately to uniformity in this branch of the law. Until this uniformity is attained, at least in large measure, enforcement of these acts will cause more or less economic unrest. The legislation on this subject will gradually tend to a higher standard of justice and certainty, with resulting uniformity. Experience teaches that uniformity in any branch of the law regulated by forty-eight different States, is a matter of slow growth. Even the uniform Negotiable Instrument Act, based upon centuries of negotiable instrument law, has been slow of adoption and its construction has been far from uniform. Cicero's eloquent prophecy: "*Non erit alia lex Romae, alia Athenis, alia nunc, alia posthac, sed et apud omnes gentes, et omni tempore, una eademque lex obtinebit*", is still a dream.

The work is divided into eighteen chapters with the following headings: 1. Reasons for, History of, and Objections to Workmen's Compensation. 2. Election, Rejection and Constitutionality of Acts. 3. Who Comes under the Act. 4. Hazardous Employments. 5. Personal Injury or Death by Accident. 6. Accidents Arising out of and in the Course of Employment. 7. Death Benefits, Funeral Expenses and Dependency. 8. Disability Benefits and Compensation Benefits. 9. Earning as Basis of Compensation. 10. Insurance. 11. Medical Benefits. 12. Compromise, Satisfaction, Release and Arbitration. 13. Commutation of Award. 14. Evidence. 15. Notice and Limitation. 16. Administration, Power and Procedure. 17. Appeal. 18. Miscellaneous Matters.

This work cites about fifty-five hundred cases all of which are indexed, and it includes about one hundred pages of typical forms which are of great value to the busy practitioner. It also includes tables for computing the present worth of future payments or lump sum settlements, interest tables, life-expectancy tables and tables for computing the average wage. It contains an exhaustive enumeration of particular injuries with the technical medical terms, which may be the subject of compensation. The reader might think from this table that he was reading Quain's Dictionary of Medicine. This matter is however, very useful in practice. This work is the most exhaustive that has yet been published on this subject, which, more than any other legislation of modern times, has attempted to be substituted a system of justice and certainty with speedy relief to the injured employee and his dependents. To what extent insurance in the application of this system will be regulated by legislation, no one can predict, but comparatively few States believe in monopolistic state insurance.

Both the author and the publishers announce that supplements to this work will be issued, from time to time, as the changes in the law may require, in order to keep it up to date. This will add immensely to the

value of the work and, in the course of a few years, the author will be able to generalize the statement of his rules, as the acts become more uniform in their terms and construction.

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WALTER H. SAUNDERS.

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INTERVENTION IN INTERNATIONAL LAW. By Ellery C. Stowell. (Washington: John Byrne & Co. 1921, pp. viii, 558.)

A necessary corollary of the notable development of science and invention during the past two decades has been an increased interest in international law and relations. Phases of international jurisprudence which have hitherto been of little more than academic interest have become of primary concern to the modern statesman. The rapid means of communication and transportation have made close neighbors of all of the great nations. The desire on the part of the nationals of one state to extend their commercial activities into other states, and especially into the so-called backward areas, has necessarily been the cause of differences between the states concerned, and those differences have had to be settled with reference to rules of international law. The voter of today who desires to make an intelligent choice in a national election finds himself confronted with the necessity of forming an opinion upon important international issues, and a knowledge of at least the fundamental principles of the law of nations is the only sound basis for such an opinion. More especially does the legislator feel this need. A member of Congress can no longer confine his interest to domestic affairs. He is constantly called upon to decide which of two or more inconsistent attitudes his country should adopt with respect to an international problem.

Any book, therefore, which makes it less difficult for the average citizen to acquire a thorough knowledge of some phase of international law is well worth while, and the least that can be said for the volume under review is that it is such a book. Some of the most acute international difficulties that have arisen in the past have been due to an improper use of force on the part of one nation for the purpose of influencing the conduct of another, and differences of the same character will arise in the future unless the statesmen who are charged with the conduct of international relations have a correct understanding of the legal principles involved and an appreciation of the history of intervention.

The author of this book seems to have achieved his purpose, which was "to set forth the occasions when a state is justified in employing force or the menace of force to influence the conduct of another state." Although he attempts to formulate a rule by which nations should govern themselves in the employment of force against one another, he does not fail to appreciate the importance of facts, and the book is replete with discussions of actual instances of intervention. While the feasibility of his rule may be questioned, it seems sound as an abstract principle, and after all, nations, like individuals, must have ideals to which they can strive to attain.

The exhaustive bibliography adds to the practical utility of the book. This feature should appeal particularly to the investigator in this field of international law.

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